

REMARKS

The Notice of November 23 alleges that the RCE filed on November 18, 2010 was improper because it was not accompanied by a reply. Applicants submit the Notice is not correct.

Applicants submit herewith an Electronic Acknowledgement Receipt and copy of Applicants' November 18 filing. It is clear that Applicants' November 18 filing included, with an RCE, an Amendment, an Information Disclosure Statement and request for a three month extension of time.

Applicants respectfully request withdrawal of the November 13 Notice in view of Applicants' November 18, 2010 filing which included an RCE, a reply with amended claims, an IDS, and a three month extension of time.

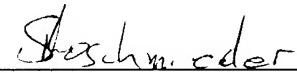
In the present case a Notice of Appeal was timely filed on March 1, 2010. The Office erroneously mailed a Notice of Abandonment on March 4, 2010. Applicants submitted a Petition for withdrawal of the Notice of Abandonment on April 28, 2010 and the Office responded on June 18, 2010 with a Decision granting Applicants' Petition to withdraw the Notice of Abandonment.

The June 18 Decision provided a two month period of time for submitting an Appeal Brief. A Notice of Appeal was of record in the present application and the submission of an Appeal Brief was pending at the time Applicants filed the November 18 RCE and reply. In view of the status of the present case after filing a Notice of Appeal, the filing of an RCE for entry of Applicants' November 18, 2010 Amendment was appropriate. Under 37 C.F.R. § 1.114(b) the prosecution in an application is closed when the application is under appeal. As explained above, the present application was subject to Applicants' Notice of Appeal filed on March 1, 2010 at the time the November 18, 2010 RCE was filed.

For the reasons stated above, Applicants respectfully request withdrawal of the Notice.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Richard L. Treanor
Attorney of Record
Registration No. 36,379

Stefan U. Koschmieder, Ph.D.
Registration No. 50,238

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/09)